

ASSEMBLY BILL

No. 1055

Introduced by Assembly Member Chesbro

February 27, 2009

An act to amend Sections 11834.02, 11839.6, and 11876 of the Health and Safety Code, relating to alcoholism or drug abuse treatment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1055, as introduced, Chesbro. Substance abuse: treatment facilities.

Existing law provides for the licensure, certification, and regulation of alcoholism or drug use recovery or treatment facilities serving adults, administered by the State Department of Alcohol and Drug Programs. These facilities are defined to mean any premises, place, or building that provides 24-hour residential nonmedical services to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services.

This bill would revise the above-described definition to also include any premises, place, or building that provides a program, accredited by a nationally recognized accrediting organization, that uses a multidisciplinary team to provide 24-hour residential medical services that do not require a health facility license to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services.

Existing law requires the department to establish a program for the operation and regulation of office-based narcotic treatment programs in which interested and knowledgeable physicians provide addiction

treatment services, and in which community pharmacies supply necessary medication both to these physicians for distribution to patients and through direct administration and specified dispensing services.

This bill would provide that the above-described program requirements are not intended to restrict the scope of practice of a physician that meets the criteria described in the federal Drug Addiction Treatment Act of 2000 to engage in office-based treatment of opioid dependence, provided that the physician is not affiliated or associated with a licensed narcotic treatment program.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11834.02 of the Health and Safety Code
2 is amended to read:

3 11834.02. (a) As used in this chapter, “alcoholism or drug
4 abuse recovery or treatment facility” or “facility” means any
5 premises, place, or building that provides 24-hour residential
6 nonmedical services to adults who are recovering from problems
7 related to alcohol, drug, or alcohol and drug misuse or abuse, and
8 who need alcohol, drug, or alcohol and drug recovery treatment
9 or detoxification services. *As used in this chapter, “alcoholism or*
10 *drug abuse recovery or treatment facility” or “facility” also means*
11 *any premises, place, or building that provides a program,*
12 *accredited by a nationally recognized accrediting organization,*
13 *that uses a multidisciplinary team to provide 24-hour residential*
14 *medical services that do not require a health facility license to*
15 *adults who are recovering from problems related to alcohol, drug,*
16 *or alcohol and drug misuse or abuse and who need alcohol, drug,*
17 *or alcohol and drug recovery treatment or detoxification services.*

18 (b) As used in this chapter, “adults” ~~may~~ include, but ~~is~~ are not
19 limited to, all of the following:

20 (1) Mothers over 18 years of age and their children.

21 (2) Emancipated minors, which may include, but is not limited
22 to, mothers under 18 years of age and their children.

23 (c) As used in this chapter, “emancipated minors” means persons
24 under 18 years of age who have acquired emancipation status
25 pursuant to Section 7002 of the Family Code.

1 (d) Notwithstanding subdivision (a), an alcoholism or drug
2 abuse recovery or treatment facility may serve adolescents upon
3 the issuance of a waiver granted by the department pursuant to
4 regulations adopted under subdivision (c) of Section 11834.50.

5 SEC. 2. Section 11839.6 of the Health and Safety Code is
6 amended to read:

7 11839.6. (a) The department shall establish a program for the
8 operation and regulation of office-based narcotic treatment
9 programs. An office-based narcotic treatment program established
10 pursuant to this section shall meet either of the following
11 conditions:

12 (1) Hold a primary narcotic treatment program license.

13 (2) Be affiliated and associated with a primary licensed narcotic
14 treatment program. An office-based narcotic treatment program
15 meeting the requirement of this paragraph shall not be required to
16 have a license separate from the primary licensed narcotic treatment
17 program with which it is affiliated and associated.

18 (b) For purposes of this section, “office-based narcotic treatment
19 program” means a program in which interested and knowledgeable
20 physicians and surgeons provide addiction treatment services, and
21 in which community pharmacies supply necessary medication both
22 to these physicians and surgeons for distribution to patients and
23 through direct administration and specified dispensing services.

24 (c) Notwithstanding any other provision of law or regulation,
25 including Section 10020 of Title 9 of the California Code of
26 Regulations, an office-based narcotic treatment program in a remote
27 site that is affiliated and associated with a licensed narcotic
28 treatment program may be approved by the department, if all of
29 the following conditions are met:

30 (1) A physician may provide office-based addiction services
31 only if each office-based patient is registered as a patient in the
32 licensed narcotic treatment program and both the licensed narcotic
33 treatment program and the office-based narcotic treatment program
34 ensure that all services required under Chapter 4 (commencing
35 with Section 10000) of Division 4 of Title 9 of the California Code
36 of Regulations for the management of narcotic addiction are
37 provided to all patients treated in the remote site.

38 (2) A physician in an office-based narcotic treatment program
39 may provide treatment for a maximum of 20 patients under the
40 appropriate United States Drug Enforcement Administration

1 registration. The primary licensed narcotic treatment program shall
2 be limited to its total licensed capacity as established by the
3 department, including the patients of physicians in the office-based
4 narcotic treatment program.

5 (3) The physicians in the office-based narcotic treatment
6 program shall dispense or administer pharmacologic treatment for
7 narcotic addiction that has been approved by the federal Food and
8 Drug Administration such as levoalphacetylmethadol (LAAM) or
9 methadone.

10 (4) Office-based narcotic treatment programs, in conjunction
11 with primary licensed narcotic treatment programs, shall develop
12 protocols to prevent the diversion of methadone. The department
13 may develop regulations to prevent the diversion of methadone.

14 (d) For purposes of this section, “remote site” means a site that
15 is geographically or physically isolated from any licensed narcotic
16 treatment program. Therefore, the requirements in this subdivision
17 regarding a remote site do not apply to an office-based narcotic
18 treatment program that holds a primary narcotic treatment program
19 license.

20 (e) In considering an office-based narcotic treatment program
21 application, the department shall independently weigh the treatment
22 needs and concerns of the county, city, or areas to be served by
23 the program.

24 (f) Nothing in this section is intended to expand the scope of
25 the practice of pharmacy. *Nothing in this section is intended to*
26 *restrict the scope of practice of a physician that meets the criteria*
27 *described in the federal Drug Addiction Treatment Act of 2000*
28 *(P.L. 106-310) to engage in office-based treatment of opioid*
29 *dependence provided that the physician is not affiliated or*
30 *associated with a licensed narcotic treatment program.*

31 SEC. 3. Section 11876 of the Health and Safety Code is
32 amended to read:

33 11876. The department shall inspect *licensed narcotic treatment*
34 programs dispensing controlled substances described in subdivision
35 (c) of Section 11875 to ensure that the programs are operating in
36 compliance with applicable federal statutes and regulations,
37 including the provisions of Part 8 of Title 42 of the Code of Federal
38 Regulations.

O